

Message Text

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ORIGIN NEA-10

INFO OCT-01 PRS-01 SS-15 ISO-00 NSC-05 AF-06 ARA-10 EA-09

EUR-12 IO-10 PER-03 A-01 CPR-01 LAB-04 SIL-01 EB-07

COME-00 DHA-02 TRSE-00 PA-02 SCA-01 USIA-15 SEC-01

JUSE-00 H-02 CIAE-00 INR-07 NSAE-00 DODE-00 /126 R

DRAFTED BY NEA:SSOBER:LAB

APPROVED BY NEA:SSOBER

S/PRS:RANDERSON

M:WEGAN

S/S -O:DLMACK

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P 210300Z NOV 75

FM SECSTATE WASHDC

TO ALL DIPLOMATIC AND CONSULAR POSTS PRIORITY

UNCLAS STATE 275873

INFORM CONSULS

E.O. 11652: N/A

TAGS: OGEN, PFOR

SUBJECT: FOREIGN BOYCOTT PRACTICES AND U.S. ANTI-DISCRIMINATION POLICY

1. ON NOVEMBER 20, THE WHITE HOUSE RELEASED THE FOLLOWING STATEMENT BY THE PRESIDENT:

BEGIN TEXT:

I AM TODAY ANNOUNCING A NUMBER OF DECISIONS THAT PROVIDE A COMPREHENSIVE RESPONSE TO ANY DISCRIMINATION AGAINST AMERICANS ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN OR SEX THAT MIGHT ARISE FROM FOREIGN BOYCOTT UNCLASSIFIED

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PRACTICES.

THE UNITED STATES GOVERNMENT, UNDER THE CONSTITUTION AND THE LAW, IS COMMITTED TO THE GUARANTEE OF THE FUNDAMENTAL

RIGHTS OF EVERY AMERICAN. MY ADMINISTRATION WILL PRESERVE THESE RIGHTS AND WORK TOWARD THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST INDIVIDUALS ON THE BASIS OF THEIR RACE, COLOR, RELIGION, NATIONAL ORIGIN OR SEX.

EARLIER THIS YEAR, I DIRECTED THE APPROPRIATE DEPARTMENTS AND AGENCIES TO RECOMMEND FIRM, COMPREHENSIVE AND BALANCED ACTIONS TO PROTECT AMERICAN CITIZENS FROM THE DISCRIMINATORY IMPACT THAT MIGHT RESULT FROM THE BOYCOTT PRACTICES OF OTHER GOVERNMENTS. THERE WAS WIDE CONSULTATION.

I HAVE NOW COMMUNICATED DETAILED INSTRUCTIONS TO THE CABINET FOR NEW MEASURES BY THE UNITED STATES GOVERNMENT TO ASSURE THAT OUR ANTI-DISCRIMINATORY POLICIES WILL BE EFFECTIVELY AND FULLY IMPLEMENTED.

THESE ACTIONS ARE BEING TAKEN WITH DUE REGARD FOR OUR FOREIGN POLICY INTERESTS, INTERNATIONAL TRADE AND COMMERCE AND THE SOVEREIGN RIGHTS OF OTHER NATIONS. I BELIEVE THAT THE ACTIONS MY ADMINISTRATION HAS TAKEN TODAY ACHIEVE THE ESSENTIAL PROTECTION OF THE RIGHTS OF OUR PEOPLE AND AT THE SAME TIME DO NOT UPSET THE EQUILIBRIUM ESSENTIAL TO THE PROPER CONDUCT OF OUR NATIONAL AND INTERNATIONAL AFFAIRS.

I MADE THE BASIC DECISION THAT THE UNITED STATES GOVERNMENT, IN MY ADMINISTRATION, AS IN THE ADMINISTRATION OF GEORGE WASHINGTON, WILL GIVE "TO BIGOTRY NO SANCTION." MY ADMINISTRATION WILL NOT COUNTENANCE THE TRANSLATION OF ANY FOREIGN PREJUDICE INTO DOMESTIC DISCRIMINATION AGAINST AMERICAN CITIZENS.

I HAVE TODAY SIGNED A DIRECTIVE TO THE HEADS OF ALL DEPARTMENTS AND AGENCIES. IT STATES:

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(1) THAT THE APPLICATION OF EXECUTIVE ORDER 11478 AND RELEVANT STATUTES FORBID ANY FEDERAL AGENCY, IN MAKING SELECTIONS FOR OVERSEAS ASSIGNMENTS, TO TAKE INTO ACCOUNT ANY EXCLUSIONARY POLICIES OF A HOST COUNTRY BASED UPON RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX OR AGE. INDIVIDUALS MUST BE CONSIDERED AND SELECTED SOLELY ON THE BASIS OF MERIT FACTORS. THEY MUST NOT BE EXCLUDED AT ANY STAGE OF THE SELECTION PROCESS BECAUSE THEIR RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX OR AGE DOES NOT CONFORM TO ANY FORMAL OR INFORMAL REQUIREMENTS SET BY A FOREIGN NATION. NO AGENCY MAY SPECIFY, IN ITS JOB DESCRIPTION CIRCULARS, THAT THE HOST COUNTRY HAS AN EXCLUSIONARY ENTRANCE POLICY OR THAT A VISA IS REQUIRED:

(2) THAT FEDERAL AGENCIES ARE REQUIRED TO INFORM THE STATE DEPARTMENT OF VISA REJECTIONS BASED ON EXCLUSIONARY POLICIES; AND

(3) THAT THE STATE DEPARTMENT WILL TAKE APPROPRIATE ACTION THROUGH DIPLOMATIC CHANNELS TO ATTEMPT TO GAIN ENTRY FOR THE AFFECTED INDIVIDUALS.

I HAVE INSTRUCTED THE SECRETARY OF LABOR TO ISSUE AN AMENDMENT TO HIS DEPARTMENT'S MARCH 10, 1975, SECRETARY'S MEMORANDUM ON THE OBLIGATION OF FEDERAL CONTRACTORS AND SUBCONTRACTORS TO REFRAIN FROM DISCRIMINATION ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN OR SEX WHEN HIRING FOR WORK TO BE PERFORMED IN A FOREIGN COUNTRY OR WITHIN THE UNITED STATES PURSUANT TO A CONTRACT WITH A FOREIGN GOVERNMENT OR COMPANY. THIS AMENDMENT WILL REQUIRE FEDERAL CONTRACTORS AND SUBCONTRACTORS, THAT HAVE JOB APPLICANTS OR PRESENT EMPLOYEES APPLYING FOR OVERSEAS ASSIGNMENTS, TO INFORM THE DEPARTMENT OF STATE OF ANY VISA REJECTIONS BASED ON THE EXCLUSIONARY POLICIES OF A HOST COUNTRY. THE DEPARTMENT OF STATE WILL ATTEMPT, THROUGH DIPLOMATIC CHANNELS, TO GAIN ENTRY FOR THOSE INDIVIDUALS.

MY ADMINISTRATION WILL PROPOSE LEGISLATION TO PROHIBIT A BUSINESS ENTERPRISE FROM USING ECONOMIC MEANS TO COERCE ANY PERSON OR ENTITY TO DISCRIMINATE AGAINST ANY U.S. PERSON OR ENTITY ON THE BASIS OF RACE, COLOR, RELIGION, UNCLASSIFIED

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NATIONAL ORIGIN OR SEX. THIS WOULD APPLY TO ANY ATTEMPTS, FOR INSTANCE, BY A FOREIGN BUSINESS ENTERPRISE, WHETHER GOVERNMENTALLY OR PRIVATELY OWNED, TO CONDITION ITS CONTRACTS UPON THE EXCLUSION OF PERSONS OF A PARTICULAR RELIGION FROM THE CONTRACTOR'S MANAGEMENT OR UPON THE CONTRACTOR'S REFUSAL TO DEAL WITH AMERICAN COMPANIES OWNED OR MANAGED BY PERSONS OF A PARTICULAR RELIGION.

I AM EXERCISING MY DISCRETIONARY AUTHORITY UNDER THE EXPORT ADMINISTRATION ACT TO DIRECT THE SECRETARY OF COMMERCE TO ISSUE AMENDED REGULATIONS TO:

(1) PROHIBIT U.S. EXPORTERS AND RELATED SERVICE ORGANIZATIONS FROM ANSWERING OR COMPLYING IN ANY WAY WITH BOYCOTT REQUESTS THAT WOULD CAUSE DISCRIMINATION AGAINST U.S. CITIZENS OR FIRMS ON THE BASIS OF RACE, COLOR, RELIGION, SEX OR NATIONAL ORIGIN; AND

(2) REQUIRE RELATED SERVICE ORGANIZATIONS THAT BECOME INVOLVED IN ANY BOYCOTT REQUEST TO REPORT SUCH INVOLVEMENT DIRECTLY TO THE DEPARTMENT OF COMMERCE.

RELATED SERVICE ORGANIZATIONS ARE DEFINED TO INCLUDE BANKS, INSURERS, FREIGHT FORWARDERS AND SHIPPING COMPANIES THAT BECOME INVOLVED IN ANY WAY IN A BOYCOTT REQUEST RELATED TO AN EXPORT TRANSACTION FROM THE U.S. RESPONDING TO AN ALLEGATION OF RELIGIOUS AND ETHNIC DISCRIMINATION IN THE COMMERCIAL BANKING COMMUNITY, THE COMPTROLLER OF THE CURRENCY ISSUED A STRONG BANKING BULLETIN TO ITS MEMBER NATIONAL BANKS ON FEBRUARY 24, 1975. THE BULLETIN WAS PROMPTED BY AN ALLEGATION THAT A NATIONAL BANK MIGHT HAVE BEEN OFFERED LARGE DEPOSITS AND LOANS BY AN AGENT OF A FOREIGN INVESTOR, ONE OF THE CONDITIONS FOR WHICH WAS THAT NO MEMBER OF THE JEWISH FAITH SIT ON THE BANK'S BOARD OF DIRECTORS OR CONTROL ANY SIGNIFICANT AMOUNT OF THE BANK'S OUTSTANDING STOCK. THE BULLETIN MAKES IT CLEAR THAT THE COMPTROLLER WILL NOT TOLERATE ANY PRACTICES OR POLICIES THAT ARE BASED UPON CONSIDERATIONS OF THE RACE, OR RELIGIOUS BELIEF OF ANY CUSTOMER, STOCKHOLDER, OFFICER OR DIRECTOR OF THE BANK AND THAT ANY SUCH PRACTICES OR POLICIES ARE "INCOMPATIBLE UNCLASSIFIED

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WITH THE PUBLIC SERVICE FUNCTION OF A BANKING INSTITUTION IN THIS COUNTRY."

I AM INFORMING THE FEDERAL DEPOSIT INSURANCE CORPORATION, THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM AND THE FEDERAL HOME LOAN BANK BOARD THAT THE COMPTROLLER'S BANKING BULLETIN REFLECTS THE POLICY OF MY ADMINISTRATION AND I ENCOURAGE THEM TO ISSUE SIMILAR POLICY STATEMENTS TO THE FINANCIAL INSTITUTIONS WITHIN THEIR JURISDICTIONS, URGING THOSE INSTITUTIONS TO RECOGNIZE THAT COMPLIANCE WITH DISCRIMINATORY CONDITIONS DIRECTED AGAINST ANY OF THEIR CUSTOMERS, STOCKHOLDERS, EMPLOYEES, OFFICERS OR DIRECTORS IS INCOMPATIBLE WITH THE PUBLIC SERVICE FUNCTION OF AMERICAN FINANCIAL INSTITUTIONS.

I WILL SUPPORT LEGISLATION TO AMEND THE EQUAL CREDIT OPPORTUNITY ACT, WHICH PRESENTLY COVERS SEX AND MARITAL STATUS, TO INCLUDE PROHIBITION AGAINST ANY CREDITOR DISCRIMINATING ON THE BASIS OF RACE, COLOR, RELIGION OR NATIONAL ORIGIN AGAINST ANY CREDIT APPLICANT IN ANY ASPECT OF A CREDIT TRANSACTION.

I COMMEND THE U.S. INVESTMENT BANKING COMMUNITY FOR RESISTING THE PRESSURE OF CERTAIN FOREIGN INVESTMENT BANKERS TO FORCE THE EXCLUSION FROM FINANCING SYNDICATES OF SOME INVESTMENT BANKING FIRMS ON A DISCRIMINATORY BASIS.

I COMMEND THE SECURITIES AND EXCHANGE COMMISSION AND THE NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., FOR INITIATING A PROGRAM TO MONITOR PRACTICES IN THE SECURITIES

INDUSTRY WITHIN THEIR JURISDICTION TO DETERMINE WHETHER
SUCH DISCRIMINATORY PRACTICES HAVE OCCURRED OR WILL OCCUR.

I URGE THE SEC AND NASD TO TAKE WHATEVER ACTION THEY
DEEM NECESSARY TO INSURE THAT DISCRIMINATORY EXCLUSION IS
NOT TOLERATED AND THAT NON-DISCRIMINATORY PARTICIPATION
IS MAINTAINED.

IN ADDITION TO THE ACTIONS I AM ANNOUNCING WITH RESPECT TO
POSSIBLE DISCRIMINATION AGAINST AMERICANS ON THE BASIS OF
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RACE, COLOR, RELIGION, NATIONAL ORIGIN OR SEX, I FEEL
THAT IT IS NECESSARY TO ADDRESS THE QUESTION OF POSSIBLE
ANTITRUST VIOLATIONS INVOLVING CERTAIN ACTIONS OF U.S.
BUSINESSES IN RELATION TO FOREIGN BOYCOTTS. THE DEPARTMENT
OF JUSTICE ADVISES ME THAT THE REFUSAL OF AN AMERICAN FIRM
TO DEAL WITH ANOTHER AMERICAN FIRM IN ORDER TO COMPLY WITH
A RESTRICTIVE TRADE PRACTICE BY A FOREIGN COUNTRY RAISES
SERIOUS QUESTIONS UNDER THE U.S. ANTITRUST LAWS. THE
DEPARTMENT IS ENGAGED IN A DETAILED INVESTIGATION OF
POSSIBLE VIOLATIONS.

THE COMMUNITY OF NATIONS OFTEN PROCLAIMS UNIVERSAL
PRINCIPLES OF HUMAN JUSTICE AND EQUALITY. THESE
PRINCIPLES EMBODY OUR OWN HIGHEST NATIONAL ASPIRATIONS.
THE ANTI-DISCRIMINATION MEASURES I AM ANNOUNCING TODAY
ARE CONSISTENT WITH OUR EFFORTS TO PROMOTE PEACE AND
FRIENDLY, MUTUALLY BENEFICIAL RELATIONS WITH ALL NATIONS,
A GOAL TO WHICH WE REMAIN ABSOLUTELY DEDICATED.

END TEXT. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 26 AUG 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: BOYCOTTS, DISCRIMINATION, POLICIES
Control Number: n/a
Copy: SINGLE
Draft Date: 21 NOV 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE275873
Document Source: ADS
Document Unique ID: 00
Drafter: NEA:SSOBER:LAB
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: D750405-0534
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751190/baaaadct.tel
Line Count: 253
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN NEA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 27 AUG 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <27 AUG 2003 by chicheje>; APPROVED <18 FEB 2004 by izenbei0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> jms 971016
Subject: n/a
TAGS: OGEN, PFOR, SHUM, US, XX, (FORD, GERALD R)
To: ALL DIPLOMATIC AND CONSULAR POSTS
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006